

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2020-JP-00121-SCT

***MISSISSIPPI COMMISSION ON JUDICIAL
PERFORMANCE***

v.

JUDGE TERESA G. BOZEMAN

DATE OF JUDGMENT: 01/31/2020
TRIAL JUDGE: HON. KENT McDANIEL
COURT FROM WHICH APPEALED: MISSISSIPPI COMMISSION ON JUDICIAL
PERFORMANCE
ATTORNEYS FOR PETITIONER: DARLENE D. BALLARD
RACHEL W. MICHEL
MEAGAN BRITTAIN
ATTORNEY FOR RESPONDENT: RENEE H. BERRY
NATURE OF THE CASE: CIVIL - JUDICIAL PERFORMANCE
DISPOSITION: SUSPENSION FROM OFFICE FOR THIRTY
DAYS WITHOUT PAY, PUBLIC
REPRIMAND, AND FINE OF \$1,000 -
09/24/2020
MOTION FOR REHEARING FILED:
MANDATE ISSUED:

EN BANC.

GRIFFIS, JUSTICE, FOR THE COURT:

¶1. Following an investigation, the Mississippi Commission on Judicial Performance determined that Copiah County Justice Court Judge Teresa G. Bozeman had violated Canons 1, 2A, 2B, 3B(2), 3B(7), and 3C(1) of the Code of Judicial Conduct as well as Mississippi Code Section 9-11-9 (Rev. 2019). The Commission found that Judge Bozeman's conduct constituted willful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute, actionable under article 6, section 177A,

of the Mississippi Constitution. The Commission recommended that Judge Bozeman be suspended from office without pay for thirty days, be publicly reprimanded, and be fined \$1,000.

¶2. Before the Court is a “Joint Motion for Approval of Recommendation Filed By the [Commission]”¹ in which both the Commission and Judge Bozeman request that this Court accept the Commission’s findings of fact and recommendation.² After review, we find the agreed recommendation is appropriate and commensurate with similar cases of misconduct. Thus, the joint motion is granted, and Judge Bozeman shall be suspended from office without pay for thirty days, shall be publicly reprimanded, and shall be fined \$1,000.

FACTS AND PROCEDURAL HISTORY

¶3. The facts giving rise to this judicial performance case are not in dispute. Judge Bozeman, a justice court judge for Copiah County, Post 1, attained her position through a special election in 2017 and has served as a justice court judge for approximately three years. During her tenure on the bench, Judge Bozeman’s conduct resulted in violations of the Code of Judicial Conduct and Mississippi Code Section 9-11-9. Specifically, Judge Bozeman (1) initiated improper ex parte communications to investigate a pending civil matter, (2) failed to comply with the statutory limitations of money judgments in justice court, and (3) retaliated against a complainant who filed a complaint with the Commission. This Court

¹ The joint motion appears on the Court’s docket as an open motion. This opinion resolves the joint motion.

² A “Joint Brief in Support of Joint Motion for Approval of Recommendation filed by the [Commission]” was filed with the motion.

separately discusses the underlying facts of each violation as well as the Commission's initial proceedings.

1. *Initiation of Improper Ex Parte Communications to Investigate a Pending Civil Matter*

¶4. The record shows that Judge Bozeman, while serving as a justice court judge, initiated ex parte communications with a third party to investigate the merits of a civil case pending before her. On October 25, 2018, Anthony Smylie filed a civil declaration in Copiah County Justice Court against Rapid Oil Change for \$2,043.88. Rapid Oil Change responded with a countersuit against Smylie for filing a frivolous claim and for harassment.

¶5. On December 7, 2018, Justice Court Judge Vicki Bass Ramsey presided over both Smylie's initial civil suit and Rapid Oil Change's countersuit. After hearing the testimony of both parties, Judge Ramsey continued the case to January 25, 2019, to give the parties more time to present additional evidence. On December 12, 2018, Smylie filed a motion for recusal requesting that Judge Ramsey recuse from the matter. Judge Ramsey granted the motion.

¶6. On January 25, 2019, Judge Bozeman presided over both civil suits. After hearing the testimony of both parties, Judge Bozeman called for a recess and stated that she needed to talk to Judge Ramsey and a friend before she could make a ruling on the matter. Judge Bozeman then left the bench and retired to her chambers. She called Judge Ramsey and inquired into the testimony given at the initial hearing. Judge Bozeman also called a friend who was a mechanic for further inquiry into the validity of the parties' arguments. After the phone calls concluded, Judge Bozeman returned to the bench and ruled in favor of Smylie

based on the information she had received during the phone calls.

2. *Failure to Comply with the Statutory Limitations of Money Judgments in Justice Court*

¶7. On July 19, 2019, Cumberland Apartments filed an affidavit in Copiah County Justice Court alleging that its tenant Ashley Minor should be removed from the premises and that she owed \$2,557 in unpaid rent, plus court costs. On August 23, 2019, Judge Bozeman presided over the hearing. At the hearing, a representative for Cumberland Apartments was present, but the tenant failed to appear. Cumberland Apartments requested that the court amend its complaint to include the rent that had accrued up to and including the date of the judgment. Judge Bozeman granted the request and adjusted the award given to Cumberland Apartments from \$2,557 to \$3,949. This award exceeded the statutory limits of a civil judgment in justice court set forth in Mississippi Code Section 9-11-9.

3. *Retaliation Against a Complainant*

¶8. On October 4, 2018, Mona Carr, the Copiah County Justice Court Clerk, filed a judicial complaint against Judge Bozeman alleging various procedural errors. Following an investigation, the Commission filed a Formal Complaint against Judge Bozeman. The Commission failed to find grounds for discipline; however, under Rule 6(B)(2) of the Rules of the Mississippi Commission on Judicial Performance, the Commission issued an admonishment to Judge Bozeman.³ Judge Bozeman was required to complete twenty-five hours of judicial training administered by the Commission's staff and to pay a fine.

³ It is unclear from the record whether the Commission "notif[ied] the Chief Justice of the Supreme Court of its action." R. Miss. Comm'n on Jud. Performance 6B(2).

¶9. Judge Bozeman completed her judicial training and all further conditions of the agreement in May 2019. Carr later ran against Judge Bozeman for Judge Bozeman's judicial seat. Carr lost the primary election.

¶10. On September 3, 2019, Judge Bozeman filed a formal complaint against Carr with the Copiah County Board of Supervisors. In her complaint against Carr, Judge Bozeman alleged eleven instances of inappropriate conduct, three of which related to Carr's complaint with the Commission against Judge Bozeman for judicial misconduct. Judge Bozeman requested that the president of the board of supervisors officially take action against Carr.

4. *Initial Proceedings by the Commission*

¶11. On July 10, 2019, the Commission filed a Formal Complaint against Judge Bozeman in Inquiry Concerning a Judge No. 2019-033 and charged Judge Bozeman with judicial misconduct constituting willful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute in violation of article 6, section 177A, of the Mississippi Constitution.

¶12. On October 31, 2019, the Commission filed a Formal Complaint against Judge Bozeman in Inquiry Concerning a Judge No. 2019-140 and charged Judge Bozeman with judicial misconduct. The Commission consolidated the two inquiries.

¶13. Judge Bozeman filed an answer to the Formal Complaint in Inquiry Concerning a Judge No. 2019-033. But Judge Bozeman did not file an answer to the Formal Complaint in Inquiry Concerning a Judge No. 2019-140 in anticipation of reaching an agreement with the Commission.

¶14. A Stipulation of Agreed Facts and Proposed Recommendation was filed by the Commission and Judge Bozeman regarding the referenced inquiries. The Stipulation of Agreed Facts and Proposed Recommendation was signed by the Commission’s Executive Director Darlene D. Ballard, Judge Bozeman, and Judge Bozeman’s attorney, Renee H. Berry. On December 13, 2019, the Commission held its regularly scheduled meeting and unanimously approved the Stipulation of Agreed Facts and Proposed Recommendation.

¶15. On February 6, 2020, the Commission filed its Findings of Fact and Recommendation with this Court for its consideration. On March 9, 2020, the Commission and Judge Bozeman filed a Joint Motion for Approval of Recommendation and requested that this Court accept the Commission’s Findings of Fact and Recommendation in Inquiries Concerning a Judge Nos. 2019-033 and 2019-140.⁴

DISCUSSION

¶16. This Court is the “ultimate decision-maker in judicial performance cases” and “makes the final determination as to the appropriate action to be taken when a judge has committed willful misconduct or conduct prejudicial to the administration of justice that brings the judicial office into disrepute” *Miss. Comm’n on Jud. Performance v. Skinner*, 119 So. 3d 294, 299 (Miss. 2013) (citing *Miss. Comm’n on Jud. Performance v. Thompson*, 80 So. 3d 86, 88 (Miss. 2012)). Article 6, section 177A, of the Mississippi Constitution states in relevant part,

On recommendation of the commission on judicial performance, the Supreme

⁴ Judge Bozeman was represented by counsel, who agreed to and signed the Joint Motion for Approval of Recommendation.

Court may remove from office, suspend, fine or publicly censure or reprimand any justice or judge of this state for: (a) actual conviction of a felony in a court other than a court of the State of Mississippi; (b) willful misconduct in office; (c) willful and persistent failure to perform his duties; (d) habitual intemperance in the use of alcohol or other drugs; or (e) conduct prejudicial to the administration of justice which brings the judicial office into disrepute; and may retire involuntarily any justice or judge for physical or mental disability seriously interfering with the performance of his duties, which disability is or is likely to become of a permanent character.

Miss. Const. art. 6, § 177A.

¶17. “When reviewing a judicial-misconduct complaint, [this Court] conduct[s] a de novo review, ‘giving great deference to the findings, based on clear and convincing evidence, of the recommendations of the Mississippi Commission on Judicial Performance.’” *Miss. Comm’n on Jud. Performance v. Harris*, 131 So. 3d 1137, 1141 (Miss. 2013) (quoting *Miss. Comm’n on Jud. Performance v. Sanford*, 941 So. 2d 209, 212-13 (Miss. 2006)). “In reviewing judicial misconduct cases, this Court is obligated to conduct an ‘independent inquiry of the record,’ and in so doing, to ‘accord careful consideration [of] the findings of fact and recommendations of the Commission, or its committee, which has had the opportunity to observe the demeanor of the witnesses.’” *Miss. Comm’n on Jud. Performance v. Cowart*, 71 So. 3d 590, 592-93 (Miss. 2011) (alteration in original) (quoting *In re Anderson*, 412 So. 2d 743, 746 (Miss. 1982)). When “the judge and Commission agree on the facts, [this Court] ordinarily will accept the findings as true.” *Miss. Comm’n on Jud. Performance v. Smith*, 78 So. 3d 889, 891-92 (Miss. 2011). But “[t]his Court is not bound by the Commission’s findings and may impose additional sanctions.” *Cowart*, 71 So. 3d at 593 (citing *Miss. Comm’n on Jud. Performance v. Hartzog*, 32 So. 3d 1188, 1193 (Miss.

2010)).

I. *Whether Judge Bozeman’s conduct constitutes willful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute under article 6, section 177A, of the Mississippi Constitution.*

¶18. “Willful misconduct in office” has been defined by this Court as

the improper or wrong use of power of his office by a judge acting intentionally or with gross unconcern for his conduct and generally in bad faith. It involved more than an error of judgment or a mere act of diligence. Necessarily, the term would encompass conduct involving moral turpitude, dishonesty, or corruption, and also any knowing misuse of the office, whatever the motive. However, these elements are not necessary to a finding of bad faith. A specific intent to use the powers of judicial office to accomplish a purpose which the judge knew or should have known was beyond the legitimate exercise of his authority constitutes bad faith. . . .

Willful misconduct in office of necessity is conduct *prejudicial to the administration of justice which brings the judicial office into disrepute*. However, a judge may also, through negligence or ignorance not amounting to bad faith, behave in a manner prejudicial to the administration of justice so as to bring the judicial office into disrepute.

In re Quick, 553 So. 2d 522, 524 (Miss. 1989) (quoting *In re Anderson*, 412 So. 2d 743, 745 (Miss. 1982)).

¶19. “[A]ctual willfulness is not always required, as a judge’s ‘negligence or ignorance not amounting to bad faith’ can have the same effect of being prejudicial to the administration of justice and bringing the judicial office into disrepute.” *Miss. Comm’n on Jud. Performance v. Fowlkes*, 121 So. 3d 904, 907 (Miss. 2013) (quoting *Hartzog*, 32 So. 3d at 1193). “[M]isconduct does not have to be embedded in any form of bad behavior’—ignorance and incompetence can amount to conduct that violates Section 177A of the Mississippi Constitution.” *Harris*, 131 So. 3d at 1142 (quoting *In re Quick*, 553 So.

2d at 527).

¶20. A violation of the Code of Judicial Conduct may amount to a violation of article 6, section 177A, of the Mississippi Constitution if “[the judge’s] actions constitute[] willful misconduct in office and conduct prejudicial to the administration of justice that brings the office into disrepute.” *Fowlkes*, 121 So. 3d at 907.

¶21. The Commission found, and Judge Bozeman agreed, that Judge Bozeman had violated Canons 1, 2A, 2B, 3B(2), 3B(7), and 3C(1) of the Code of Judicial Conduct and that such violations constituted willful misconduct in office and conduct prejudicial to the administration of justice that brings the office into disrepute. The applicable canons state, in pertinent part, as follows:

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code should be construed and applied to further that objective.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

- A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- B. Judges shall not allow their family, social, or other relationships to influence the judges’ judicial conduct or judgment. Judges shall not lend the prestige of their offices to advance the private interests of the judges or others; nor shall judges convey or

permit others to convey the impression that they are in a special position to influence the judges. Judges shall not testify voluntarily as character witnesses.

CANON 3

A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

....

B. Adjudicative Responsibilities.

....

(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.

....

(7) A judge shall accord to all who are legally interested in a proceeding, or their lawyers, the right to be heard according to law. A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding except that:

(a) where circumstances require, ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized: provided:

(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and

(ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an

opportunity to respond.

- (b) Judges may obtain the advice of a disinterested expert on the law applicable to a proceeding before them if the judges give notice to the parties of the person consulted and the substance of the advice, and afford the parties reasonable opportunity to respond.
- (c) A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.
- (d) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.
- (e) A judge may initiate or consider any ex parte communications when expressly authorized by law to do so.

C. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and shall cooperate with other judges and court officials in the administration of court business.

Miss. Code of Jud. Conduct, Canons 1, 2A, 2B, 3B(2), 3B(7), and 3C(1).

¶22. In the matter of *Smylie v. Rapid Oil Change*, the Commission found that Judge Bozeman had violated Canons 1, 2A, 3B(2), and 3B(7). Judge Bozeman initiated improper ex parte communications in order to investigate the pending civil matter without giving either party a chance to respond to or rebut the information. The fact that Judge Bozeman announced that she needed to talk to two people before she could issue a ruling indicates that

she was unaware that her ex parte communications could constitute a violation of the Code of Judicial Conduct. Nevertheless, in initiating ex parte communications without allowing the parties an opportunity to respond, Judge Bozeman failed to uphold the integrity and independence of the judiciary, failed to avoid impropriety or the appearance of impropriety, and failed to be faithful to the law and to maintain professional competence in it. Accordingly, this Court agrees with the Commission that Judge Bozeman’s conduct violated Canons 1, 2A, 3B(2), and 3B(7) of the Code of Judicial Conduct.

¶23. In the matter of *Cumberland Apartments v. Minor*, the Commission found that Judge Bozeman violated Canons 1, 2A, and 3B(2) when she exceeded her authority as a justice court judge and issued a judgment in an amount above the jurisdictional limits of the justice court. Judge Bozeman’s failure to comply with the statutory limitations of money judgments in justice court also violated Mississippi Code Section 9-11-9, which states, “Justice court judges shall have jurisdiction of all actions for the recovery of debts or damages or personal property, where the principal of the debt, the amount of the demand, or the value of the property sought to be recovered shall not exceed Three Thousand Five Hundred Dollars (\$3,500.00).” Miss. Code Ann. § 9-11-9 (Rev. 2019).

¶24. By exceeding the statutory limitations of Section 9-11-9, Judge Bozeman failed to uphold the integrity and independence of the judiciary, failed to respect or comply with the law, and failed to be faithful to the law. As a result, this Court agrees that Judge Bozeman’s conduct violated Canons 1, 2A, and 3B(2) of the Code of Judicial Conduct.

¶25. Regarding the alleged retaliation against Carr, the Commission found that Judge

Bozeman violated Canons 1, 2B, and 3C(1). As noted by the Commission, the main reason behind Judge Bozeman's complaint against Carr with the Board of Supervisors was Carr's judicial complaint against Judge Bozeman with the Commission. Judge Bozeman clearly misused her judicial position for retaliation. She failed to uphold the integrity and independence of the judiciary when she attempted to use the prestige of her office to advance her private interests and to discharge her judicial administrative responsibilities without bias or prejudice against Carr.

¶26. Judge Bozeman agrees with the Commission's findings and admits that her actions were improper and constitute violations of Canons 1, 2A, 2B, 3B(2), 3B(7), and 3C(1) of the Code of Judicial Conduct. Judge Bozeman also agrees and admits that her actions constitute willful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute. *Fowlkes*, 121 So. 3d at 907.

¶27. When the judge and the Commission agree on the facts, this Court will ordinarily accept the findings as true. *Smith*, 78 So. 3d at 891-92. This Court has independently reviewed the record and accepts as true the findings agreed upon. The record reflects that Judge Bozeman's conduct violated the Code of Judicial Conduct and Mississippi Code Section 9-11-9 and constitutes willful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute under article 6, section 177A, of the Mississippi Constitution.

II. Whether the Commission's recommended punishment is appropriate.

¶28. "This Court has the sole authority to impose sanctions for judicial misconduct."

Harris, 131 So. 3d at 1141 (citing *In re Anderson*, 412 So. 2d at 746). “The primary purpose of sanctions is ‘to restore and maintain the dignity and honor of the judicial office and to protect the public against future excesses,’ rather than punishment of the individual.” *Skinner*, 119 So. 3d at 300 (quoting *Miss. Comm’n on Jud. Performance v. Boone*, 60 So. 3d 172, 185 (Miss. 2011)). “The sanction in a judicial misconduct case should fit the offense.” *Id.* (citing *Miss. Comm’n on Jud. Performance v. Boykin*, 763 So. 2d 872, 876 (Miss. 2000)). In determining whether the Commission’s recommended sanctions are appropriate, this Court considers six factors:

“(1) the length and character of judge’s public service; (2) whether there is any prior caselaw on point; (3) the magnitude of the offense and the harm suffered; (4) whether the misconduct is an isolated incident or evidences a pattern of conduct;” (5) whether the conduct was willful, intended to deprive the public of assets, or if it exploited the judge’s position; and “(6) the presence or absence of mitigating or aggravating factors.”

Harris, 131 So. 3d at 1144 (quoting *Skinner*, 119 So. 3d at 300).

1. *The Length and Character of Judge Bozeman’s Public Service*

¶29. Judge Bozeman won a special election in 2017, and she has been serving as a justice court judge in Covich County for approximately three years. Because Judge Bozeman was elected in a special election, she was not afforded any judicial training before assuming the role as justice court judge. See Miss. Code Ann. § 9-11-3(1) (Rev. 2019) (emphasis added) (“no justice court judge *elected for a full term of office* . . . shall exercise the judicial functions of his office . . . until he has filed . . . a certificate of completion of a course of training and education conducted by the Mississippi Judicial College of the University of

Mississippi Law Center . . .”). Judge Bozeman sought training from the Mississippi Judicial College but was advised that none was available to special election judges. *See id.*

¶30. Judge Bozeman completed twenty-five hours of judicial training in May 2019 as a result of Carr’s judicial complaint against Judge Bozeman. This was the first judicial training Judge Bozeman had received since taking office.

2. *Whether there is any prior caselaw on point.*

¶31. This Court has considered numerous cases involving improper ex parte communications. For example, in *Mississippi Commission on Judicial Performance v. Britton*, Judge Britton presided over a dispute between an apartment complex and a tenant. *Miss. Comm’n on Jud. Performance v. Britton*, 936 So. 2d 898, 902 (Miss. 2006). Judge Britton issued a default judgment against the tenant for failure to appear. *Id.* The tenant later came to the court and spoke to Judge Britton ex parte to explain that he mistakenly went to the wrong courtroom. *Id.* “Because of this ex parte conversation, Judge Britton, without notice to [the apartment complex] and without a hearing, set aside the default judgment and rescheduled the matter for trial.” *Id.* At trial, Judge Britton took the matter under advisement until he could perform an on-site inspection of the premises. *Id.* During his inspection, Judge Britton had ex parte communications with representatives from the apartment complex and determined that the tenant had been untruthful and ruled in favor of the apartment complex. *Id.*

¶32. Following its investigation, the Commission recommended that Judge Britton be publicly reprimanded and assessed costs. *Id.* at 900. But this Court noted that Judge Britton

had previously been before the Commission for similar misconduct and had received two private admonishments. *Id.* at 907. Based on the facts and the pattern of misconduct, this Court determined that “[p]rior cases have found a public reprimand, a thirty day suspension without pay, and assessment of costs appropriate in like situations.” *Id.* at 907 (citing *Miss. Comm’n on Jud. Performance v. McPhail*, 874 So. 2d 441, 444-45 (Miss. 2004); *Miss. Comm’n on Jud. Performance v. Perdue*, 853 So. 2d 85, 98 (Miss. 2003); *Miss. Comm’n on Jud. Performance v. Peyton*, 812 So. 2d 204, 207 (Miss. 2002); *Miss. Comm’n on Jud. Performance v. Chinn*, 611 So. 2d 849, 854-55 (Miss. 1992)). As a result, the Court declined to adopt the Commission’s recommendation of a public reprimand and held that Judge Britton should be publicly reprimanded, suspended for thirty days without pay, and assessed all costs. *Id.* at 907.

¶33. Additionally, in the recent case of *Mississippi Commission on Judicial Performance v. Sutton*, this Court found that Judge Sutton had initiated improper ex parte communications with investigators and had improperly remanded a criminal charge to the file. *Miss. Comm’n on Jud. Performance v. Sutton*, 275 So. 3d 1062, 1064-65 (Miss. 2019). This Court considered Judge Sutton’s previous sanctions for similar misconduct and imposed the Commission’s recommendation of a public reprimand and a fine, but it added a thirty-day suspension without pay. *Id.* at 1071-72.

¶34. This Court has also considered cases involving a judge’s violation of statutory authority. In *Skinner*, Judge Skinner continued to issue arrest warrants in a case from which he had previously recused. *Skinner*, 119 So. 3d at 297. This Court found that once he

recused, Judge Skinner lacked the authority to take any further action in the case. *Id.* at 300. Additionally, the Court found that Judge Skinner abused the contempt power by issuing arrest warrants for indirect criminal contempt. *Id.* Judge Skinner agreed to violations of Canons 1, 2A, 3B(1), and 3B(2) of the Code of Judicial Conduct, and this Court found the appropriate sanctions to include a public reprimand, a thirty-day suspension without pay, a \$1,000 fine, and \$100 in costs. *Id.* at 299-300, 308.

¶35. In *Mississippi Commission on Judicial Performance v. Roberts*, Judge Roberts, presiding over a claim for a bad check, suggested that the plaintiff amend her complaint from \$546.50 to \$3,500, plus costs, and that she amend her complaint to include an eviction, knowing that the defendant was not present. *Miss. Comm’n on Jud. Performance v. Roberts*, 227 So. 3d 938, 941 (Miss. 2017). Judge Roberts then granted the plaintiff a judgment in the amount of \$3,564 and ordered an immediate eviction based on the amended complaint. *Id.* This Court stated, “[i]t is beyond the pale that Judge Roberts should have known that his actions amending the complaint and ordering an eviction were beyond the legitimate exercises of his authority.” *Id.* at 945. The Court determined that the Commission’s recommended sanctions of a public reprimand, a \$3,000 fine, and the costs of the proceeding were appropriate. *Id.* at 950.

¶36. Finally, this Court has considered two judicial misconduct cases involving judicial retaliation. In *Mississippi Commission on Judicial Performance v. Brown*, a judicial complaint was filed against Judge Brown after Judge Brown interfered with the prosecution of his son’s criminal case by ordering that his son be released from jail and arranging to have

his son’s case remanded to the file. *Miss. Comm’n on Jud. Performance v. Brown*, 918 So. 2d 1247, 1250 (Miss. 2005). Judge Brown contacted and threatened the complainant by telling her that if he lost his job, she would lose hers. *Id.* This Court found that Judge Brown violated multiple canons including Canons 1, 2A, 2B, 3B(1), 3B(2), 3B(7), and 3C(1). Specifically, the Court found that Judge Brown violated Canon 2 when he attempted to “muzzle” the Commission’s authority and to diminish public confidence in the judiciary. *Id.* at 1253 (internal quotation marks omitted). As a result, Judge Brown was removed from office. *Id.*

¶37. Additionally, in *Mississippi Commission on Judicial Performance v. Curry*, Judge Curry retaliated against a complainant who had filed a judicial complaint against Curry with the Commission. *Miss. Comm’n on Jud. Performance v. Curry*, 249 So. 3d 369, 372 (Miss. 2018). After learning of the judicial complaint and the identity of the complainant, Judge Curry, in her official capacity, “submitted a letter to the Claiborne County Board of Supervisors, requesting that they transfer the complainant from her position as Justice Court Clerk.” *Id.* (internal quotation mark omitted). This Court found that Judge Curry’s retaliation against the complainant violated Canons 2B and 3C(1) of the Code of Judicial Conduct and ordered a public reprimand. *Id.* at 374, 376.

3. *The Magnitude of the Offense and the Harm Suffered*

¶38. This Court has continuously held that “immeasurable harm occurs when a judge who is trusted as the gatekeeper to justice for all our citizens, fails to learn and apply fundamental tenets of the law.” *Miss. Comm’n on Jud. Performance v. Patton*, 57 So. 3d 626, 632

(Miss. 2011) (internal quotation marks omitted) (quoting *Britton*, 936 So. 2d at 906). “A sitting judge is charged with knowing and carrying out the law of the state in which she sits. This disregard of state law, whether done intentionally or mistakenly, most certainly brings the integrity and independence of the office into question.” *Miss. Comm’n on Jud. Performance v. Sanders*, 749 So. 2d 1062, 1070 (Miss. 1999). Judge Bozeman’s disregard of the law resulted in immeasurable harm to Rapid Oil Change, Minor, and Carr.

¶39. First, in *Smylie v. Rapid Oil Change*, Judge Bozeman’s ruling was based on improper ex parte communications and violated Rapid Oil Change’s due-process rights. Rapid Oil Change did not get an opportunity to respond to the information Judge Bozeman received through her ex parte communications, nor did Rapid Oil Change get to cross-examine the mechanic regarding the information on which Judge Bozeman relied. As the Commission noted, “Rapid Oil Change lost time and money fighting an unfair fight.”

¶40. Additionally, in *Cumberland Apartments v. Minor*, Judge Bozeman failed to follow the statutory law on monetary judgments in justice court and exceeded her authority as a justice court judge. As a result of Judge Bozeman’s actions, Minor was ordered to pay a judgment \$449 more than what was statutorily allowed.

¶41. Last, as a result of Judge Bozeman’s retaliation against Carr, Carr’s employment as justice court clerk was placed in jeopardy. Indeed, Judge Bozeman, in her official capacity as a justice court judge, approached Carr’s supervisor and asked that action be taken against her.

¶42. Judge Bozeman’s conduct not only threatens the integrity of the judiciary, but it also

greatly impacts the citizens of Copiah County.

[O]ur justice court justices are on the front line “where the rubber meets the road” as far as constant contact with our citizens. Justice courts will ordinarily have a much greater volume of cases than our state trial courts or appellate courts. Our citizenry’s overall perception of the entire judicial system in this state is quite often a result of contact with our justice courts, since the vast majority of our citizens will have little or no contact with our state trial or appellate courts, other than for jury service.

Sanford, 941 So. 2d at 218.

4. *Whether the misconduct is an isolated incident or evidences a pattern of conduct.*

¶43. This Court has “found that a pattern of misconduct exists where a single disciplinary action comprises multiple offenses.” *Miss. Comm’n on Jud. Performance v. Smith*, 109 So. 3d 95, 101 (Miss. 2013) (internal quotation mark omitted) (quoting *Miss. Comm’n on Jud. Performance v. McKenzie*, 63 So. 3d 1219, 1225 (Miss. 2011)). In *Mississippi Commission on Judicial Performance v. Patton*, Judge Patton had never before been sanctioned for misconduct, but his first sanction was initiated by two formal complaints involving misconduct in three civil cases. *Miss. Comm’n on Jud. Performance v. Patton*, 57 So. 3d 626, 633 (Miss. 2011). This Court noted that “three incidents within one formal complaint constituted a pattern.” *Id.* (citing *Miss. Comm’n on Jud. Performance v. Cowart*, 936 So. 2d 343, 350 (Miss. 2006)).

¶44. Previously, a formal complaint was filed against Judge Bozeman alleging violations of eight judicial canons. Under Rule 6B(2), the Commission admonished Judge Bozeman after its investigation revealed no grounds for discipline. Judge Bozeman now admits to wrongdoing in three separate, unrelated cases: (1) initiating improper ex parte

communications in order to investigate a pending civil matter, (2) exceeding the statutory limitations of monetary judgments in justice court, and (3) retaliating against a complainant. This Court finds Judge Bozeman’s misconduct evidences a pattern of conduct.

5. *Whether the conduct was willful, intended to deprive the public of assets, or if it exploited the judge’s position.*

¶45. “[T]he bottom line of this element is that we must determine whether a judge’s conduct crosses the line from simple negligence or mistake to willful conduct which takes advantage of a judge’s position for greed or other inappropriate motives. If the conduct willfully subverts justice, more punishment is warranted.” *Skinner*, 119 So. 3d at 303 (internal quotation marks omitted) (quoting *Miss. Comm’n on Jud. Performance v. Gordon*, 955 So. 2d 300, 305 (Miss. 2007)).

¶46. The Commission asserts and Judge Bozeman agrees that “[t]here is no allegation that Judge Bozeman’s actions were intended to deprive the public of assets or exploit her position.”

6. *The Presence or Absence of Mitigating or Aggravating Factors*

¶47. Judge Bozeman’s history with the Commission over her short tenure of three years on the bench is an aggravating factor. But Judge Bozeman fully participated in the Commission’s investigation, and she admitted to wrongdoing. “A mitigating factor in this case is the fact that Judge [Bozeman] has agreed that h[er] actions were improper and has entered into [a Stipulation of Agreed Facts and Proposed Recommendation and a] Joint Motion with the Commission without the requirement of a hearing.” *Id.* at 307 (citing *Miss.*

Comm'n on Jud. Performance v. Thompson, 80 So. 3d 86, 94 (Miss. 2012)). “This court consistently has recognized that mitigating circumstances exist when a judge acknowledges his or her errors.” *Miss. Comm'n on Jud. Performance v. Clinkscales*, 192 So. 3d 997, 1004 (Miss. 2016) (internal quotation marks omitted) (quoting *Miss. Comm'n on Jud. Performance v. Darby*, 143 So. 3d 564, 570 (Miss. 2014)).

¶48. Having independently reviewed the record and having considered the factors set forth in *Harris*, this Court finds that the sanctions, which the Commission recommends and to which Judge Bozeman has agreed, are proportionate to the offenses, are consistent with previous holdings of this Court, and are therefore appropriate. *Harris*, 131 So. 3d at 1144 (citing *Boykin*, 763 So. 2d at 876). Thus, “to restore and maintain the dignity and honor of the judicial office and to protect the public against future excesses,” this Court agrees with the Commission’s recommendation that Judge Bozeman should be suspended from office without pay for thirty days, publicly reprimanded, and fined \$1,000. *Skinner*, 119 So. 3d at 307-08 (internal quotation marks omitted) (quoting *Boone*, 60 So. 3d at 185).

CONCLUSION

¶49. Judge Bozeman violated Canons 1, 2A, 2B, 3B(2), 3B(7), and 3C(1) of the Code of Judicial Conduct as well as Mississippi Code Section 9-11-9. Her conduct constitutes willful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute under article 6, section 177A, of the Mississippi Constitution. Considering the factors set forth in *Harris*, this Court finds that the Commission’s recommended sanctions, to which Judge Bozeman has agreed, are appropriate. *Harris*, 131

So. 3d at 1144 (citing *Boykin*, 763 So. 2d at 876). Accordingly, the Joint Motion for Approval of Recommendation filed by the Commission is granted, and Judge Bozeman shall be suspended from office without pay for thirty days, shall be publicly reprimanded, and shall be fined \$1,000.

¶50. COPIAH COUNTY JUSTICE COURT JUDGE TERESA G. BOZEMAN SHALL BE SUSPENDED FROM OFFICE FOR A PERIOD OF THIRTY DAYS WITHOUT PAY, EFFECTIVE ON THE DATE OF THE ISSUANCE OF THIS COURT'S MANDATE, SHALL BE PUBLICLY REPRIMANDED, AND SHALL BE FINED \$1,000. THE PUBLIC REPRIMAND SHALL BE READ IN OPEN COURT BY THE PRESIDING JUDGE ON THE FIRST DAY OF THE NEXT TERM OF THE CIRCUIT COURT OF COPIAH COUNTY AFTER THE ISSUANCE OF THIS COURT'S MANDATE, WITH JUDGE BOZEMAN PRESENT.

RANDOLPH, C.J., KING, P.J., COLEMAN, MAXWELL, BEAM, CHAMBERLIN AND ISHEE, JJ., CONCUR. KITCHENS, P.J., NOT PARTICIPATING.